

## **RTOC Mining Issues Update for August 20 Call**

Ken Marcy, EPA Region 10 Mining Coordinator

**Alaska Transboundary Partner Dialogue:** Alaska Lieutenant Governor Byron Mallott held a meeting on August 6 with representatives from local, State, tribal, and federal governments, Native Corporations, NGOs, Congressional and State delegates, commercial fishery groups, mining groups and the public to discuss transboundary water quality concerns. In response to concern about increased mine activity in BC, Lt. Governor Mallott established the Transboundary Working Group, comprised of the Commissioners of DEC, Fish and Game, and Natural Resources. The August 6 meeting was organized to allow this Working group to hear from key stakeholders, and to explore ways of working together on transboundary issues. A critical group in this effort is the SE Alaska Tribes. Thirteen of the 18 SE Alaska Tribes have formed the United Tribal Transboundary Mining Working Group. The three rivers of focus for this effort are the Taku, the Stikine, and the Unuk, all downstream of proposed or operational mines in BC. Meeting participants also expressed concern about other impacted watersheds, and suggested a geographic split of SE Alaska into north, central, and south. Group discussions elicited some common themes:

- Desire to establish monitoring of the Canadian and U.S. boundary waters, and share and use the information to inform decisions, both during the development phase of projects and to trigger action if problems arise.
- Few, if any participants have the resources to engage with BC in a project by project fashion.
- There is a sense that BC doesn't truly listen to concerns from Alaska, and will move ahead with projects according to their agenda.
- It is very important to the Tribes that traditional ecological knowledge be used in scientific analyses and decision-making.
- There is common interest in and impatience about moving the issue to the International Joint Commission. Participants discussed the advantages and disadvantages of doing so, the need to have a compelling request for this, and ideas for how that might be approached.
- The Boundary Waters Treaty is binding; there may be ways of using that as a basis for addressing the issues without relying on the IJC.
- The Regional Citizen's Advisory Council in Valdez was cited as an effective organization that can influence decisions and monitoring. The group set up a "righteous ask." Mark Swanson was the spokesman.

The Working Group is beginning to draft a BC/Alaska MOU to address transboundary issues and would like help from some of the groups represented at the meeting. The draft will be sent out for review. Lt. Gov. Mallott asked for volunteers to explore setting up some kind of citizen's advisory group to keep working on the transboundary issues. Contact: Teena Reichgott (3-1601)

**Additional Transboundary Progress:** EPA Region 10 is working closely with the U.S. Consular Office in Vancouver BC, and the Canadian Environmental Assessment Agency, to set up the first in a series of quarterly calls to include relevant BC ministries, Canadian National Ministries, Alaska and Washington State environmental agencies, and EPA, to track existing projects with transboundary concerns and provide early notification for new projects. EPA is also working with Environment Canada in Whitehorse, Yukon Territory, to establish working level connections with appropriate Yukon assessment agencies to develop communication and outreach with respect to Yukon/Alaska projects of transboundary concern.

**Gold King Mine release:** On Wednesday, August 12, Administrator McCarthy issued a statement to Regional Administrators with respect to the Gold King Mine release to the Animas River watershed in which she stated:

“While we continue to investigate the root causes of last week’s release of mining waste at the Gold King Mine in Colorado, we are instructing our Regions to immediately cease any field investigation work at mines including tailings facilities, unless there is imminent risk in a specific case. We are in the process of initiating an independent assessment by a sister federal agency or another external entity to examine the factors that led to last week’s incident. Based on the outcome from that assessment, we will determine what actions may be necessary to avoid similar incidents at other sites. While we stand down on existing field investigations and assessments at these mining sites, we also are instructing our Regions to identify existing sites with similarities to the Gold King Mine site and to identify any immediate threats and consider appropriate response actions.”

Administrator McCarthy requested that all EPA regions provide an inventory of mine sites where ongoing or planned field work (assessment, investigation, response, cleanup) is involved – and to provide an assessment of the potential risks posed by these activities. In response, EPA Region 10 provided a list of sites to EPA HQ on August 13, 2015 – the Region is not recommending that work at these sites be delayed in any way, but further analysis of the Gold King release is underway, and final decisions with respect to ongoing or planned mine site work in Region 10 have yet to be made. There will be further development on this site prior to the RTOC call – updates will be provided at that time.

**Tribal Mining 201 Training Course Development:** The Nez Perce Tribe under a grant from EPA is working with several core tribal groups around the country to develop a two-day mining training which digs deeper into the topic than the previously developed Mining 101 training provided by EPA. Over the past several months, the Nez Perce and the Corps tribal group, along with a core EPA national brainstorming group, have been developing a list of training module concepts which will be discussed during a face to face two day workshop October 22/23 in Scottsdale, AZ. After the workshop, development of the actual course materials will begin, and planning for the first course presentation to a broad tribal audience (summer 2016).